

# **Notice of Allowability**

Application No.

10/043,391

Examiner

Anthony T Perry

Applicant(s)

GUBBELS, HENRICUS PETER MARIA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 11/10/2003.
  2. ☒ The allowed claim(s) is/are 1, 3-9.
  3. ☒ The drawings filed on 26 October 2001 are accepted by the Examiner.
  4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) ☒ All b) ☐ Some\* c) ☐ None of the:
      1. ☒ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
    - (a) ☐ The translation of the foreign language provisional application has been received.
  6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

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| <ol style="list-style-type: none"> <li>1 <input type="checkbox"/> Notice of References Cited (PTO-892)</li> <li>2 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)</li> <li>3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____</li> <li>4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</li> </ol> | <ol style="list-style-type: none"> <li>5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</li> <li>6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____</li> <li>7 <input type="checkbox"/> Examiner's Amendment/Comment</li> <li>8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance</li> <li>9 <input type="checkbox"/> Other</li> </ol> |
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## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment to the specification, filed on November 10, 2003 has been entered and claims 8-9 have been added.

### ***Allowable Subject Matter***

Claims 1, 3-9 are allowable.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the references of the prior art of record fail to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation of a lead-through including a cermet part wherein the cermet is directly fastened to the projecting plug by means of a sintered joint that extends along 80% or less of the length of the projection plug. Huettinger et al. (US 6,181,065) teaches all of the limitations of claim 1 except for the sintered joint extending at most 80% of the length of the projection plug. It appears from the drawings that the sintered joint only extends along 80% of the length of the projection plug. However, Huettinger does not state in the reference that the drawings are to scale. Juengst (US 5,352,952) teaches a sintered joint between a metal lead-through and a plug that extends along 80% of the length of the plug. Juengst however teaches that there is a recess around the lead-through made of niobium of 10% of the length of the plug at both ends of the plug. The reason for the outer recess is so that a ceramic sleeve can be fitted around the lead-through in the area of the recess so as to prevent evaporation of the niobium metal lead-through. The inner recess is provided to protect the niobium lead-through from the halide fill, since niobium is known as a material that is readily corroded by metal halides. Huettinger teaches the use of a cermet comprising of molybdenum as the metal. It is well known that molybdenum has a greater

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resistance to metal halides. However, one of ordinary skill in the art would not have been motivated to combine the two references since the whole reason for the recesses of Juengst is to protect the niobium metal lead-through. The references provide no motivation for combining the cermet lead-through, taught by Huettinger, with a recess portion at both ends of the projection plug as taught by Juengst.

Regarding claims 3-6 and 8, the claims are dependent of base claim 1, which is allowed, therefore claims 3-6 and 8 are allowed.

Regarding claim 7, the references of the prior art of record fail to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation of a lead-through including a cermet part wherein the cermet is made up of approximately 70% alumina and 30% molybdenum. The best prior art of record, Huettinger teaches all of the limitations in claim 7 except for the cermet made up of approximately 70% alumina and 30% molybdenum. Kelley et al. (US 6,528,945) teaches a cermet lead-through that contains molybdenum with 30%-70% alumina, but does not teach the cermet lead-through directly sintered to the projecting plug. However, Huettinger teaches away from an alumina content of 30%, stating that a suitable feed-through is made of a cermet that contains, besides aluminum oxide, at least 40% metal and preferably between about 45% and 75% by volume-which is weldable and can be electrically conductive. Huettinger further states that when using tungsten as the metal partner of the cermet, weldability is ensured from about 35% to 40% by volume tungsten. Electrical conductivity is sufficient from about 45% by volume of tungsten. For molybdenum, the metal component must be increased by a factor of about 1.5. Accordingly, one of ordinary skill in the art would not have been motivated to combine the two references.

Regarding claim 9, claim 9 is dependent of base claim 7, which is allowed, therefore claim 9 is allowed.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Anthony Perry* whose telephone number is (703) 305-1799.

**Please note that the examiner's telephone number will change to (571) 272-2459 on January 13, 2004.** The examiner can normally be reached between the hours of 9:00AM to 5:30PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [Anthony.perry@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Anthony Perry  
Patent Examiner  
Art Unit 2879  
December 12, 2003



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